

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

LASHAWN R. PETTUS,

Petitioner, : Case No. 1:20-cv-187

- vs -

District Judge Michael R. Barrett
Magistrate Judge Michael R. Merz

WARDEN,
Franklin Medical Center,

Respondent. :

ORDER DISSOLVING STAY; SCHEDULING ORDER

This habeas corpus case is before the Court on Petitioner's Request for Judicial Notice of Adjudicative Facts (ECF No. 42).

Petitioner asks the Court to take judicial notice of the fact that the Supreme Court of Ohio declined jurisdiction over his appeal of denial of his Application to reopen his direct appeal under Ohio R. App. P. 26(B). The Court finds that that is a proper subject of judicial notice and that the Ohio Supreme Court did indeed decline review. *State v. Pettus*, 2021-Ohio-1201 (Apr. 13, 2021).

Incorporated in Petitioner's filing is a request to dissolve the stay in this matter. The Court granted Petitioner's Motion for Stay for precisely this reason, to await the outcome of the Supreme Court of Ohio's decision on whether it would accept jurisdiction (ECF Nos. 40, 41). Accordingly the Stay is DISSOLVED.

On June 23-24, 2020, Respondent filed the State Court Record (ECF No. 23) and a Return of Writ (ECF No. 24). Because additional proceedings have occurred in the Ohio courts since

those filings, Respondent is hereby ordered to file, not later than May 15, 2021, a supplemental state court record in the same format as the original and including state court filings since the original State Court Record and an amended return of writ.

Petitioner shall file his reply not later than twenty-one days after the supplemental State Court Record and amended return are filed.

April 29, 2021.

s/ *Michael R. Merz*
United States Magistrate Judge